

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant:	Eimar M. Boesjes	Art Unit: 3627
Filed:	06/04/2001	Examiner: Gerald J. O'Connor
App. No.:	09/874,481	
For:	Multiply integrated product inventory, sales, and distribution	

**APPEAL BRIEF UNDER 37 CFR § 41.37**

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**1. Real party in interest**

The real party in interest is the Applicant, Eimar M. Boesjes.

**2. Related appeals and interferences**

There are no other related appeals or interferences known to Applicant or Applicant's Agent.

**3. Status of claims**

The application was originally filed with Claims 1-44.

During prosecution of the application, Claims 1-22 (directed to a non-elected invention) were cancelled without prejudice.

Claims 23-44 were rejected in an Office Action dated 06/27/2006 and made Final.

Claims 23-44 remain pending in the application, stand rejected, and are under appeal. Claims 23, 31, 33, 34, and 41 are independent claims.

**4. Status of amendments**

No additional amendments have been filed after the Office Action of 06/27/2006.

**5. Summary of claimed subject matter**

The claimed subject matter includes various methods for multiply integrating product inventory, sales, and distribution both vertically (i.e., among manufacturers, distributors, and retailers in traditional supply chains) as well as horizontally (i.e., among multiple retailers, among multiple distributors, or multiple manufacturers across differing supply chains).

The method of Claim 23 includes: (i) automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database (§ [0039], page 12 line 31 to page 13 line 5); (ii) automatically receiving order information from the multiple participating product suppliers and entering the information into an order database (§ [0039], page 13 lines 5-11); (iii) automatically searching for ordered

products in the supplier database (§ [0039], page 13 lines 11-14); (iv) automatically transmitting fulfillment instructions for delivering ordered and located products (§ [0039], page 13 lines 14-17); (v) automatically updating the supplier and order databases (§ [0039], page 13 lines 17-19); and (vi) automatically creating and transmitting accounting records for ordered and delivered products (§ [0039], page 13 lines 19-20). The multiple suppliers include at least one distributor and at least one retailer, and further include at least a second retailer or at least a second distributor. At least some of the delivered products are delivered from one retailer in response to an order received by another retailer, or from one distributor in response to an order or delivery instructions received by another distributor (§ [0042], page 14 line 42 to page 15 line 12).

The method of Claim 31 includes: (i) automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product retailers and entering the information into a retailer database (§ [0039], page 12 line 31 to page 13 line 5); (ii) automatically receiving order information from the multiple participating product retailers and entering the information into an order database (§ [0039], page 13 lines 5-11); (iii) automatically searching for ordered products in the retailer database (§ [0039], page 13 lines 11-14); (iv) automatically transmitting fulfillment instructions for delivering ordered and located products (§ [0039], page 13 lines 14-17); (v) automatically updating the retailer and order databases (§ [0039], page 13 lines 17-19); and (vi) automatically creating and transmitting accounting records for ordered and delivered products (§ [0039], page 13 lines 19-20). At least some of the delivered products are delivered from one retailer in response to an order received by another retailer (§ [0042], page 14 line 42 to page 15 line 12).

The method of Claim 33 includes: (i) automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database (§ [0039], page 12 line 31 to page 13 line 5); (ii) automatically receiving order information from the multiple participating product suppliers and entering the information into an order database (§ [0039], page 13 lines 5-11); (iii) automatically searching for ordered products in the supplier database (§ [0039], page 13 lines 11-14); (iv) automatically transmitting fulfillment instructions for delivering ordered and located products (§ [0039],

page 13 lines 14-17); (v) automatically updating the supplier and order databases (§ [0039], page 13 lines 17-19); and (vi) automatically creating and transmitting accounting records for ordered and delivered products (§ [0039], page 13 lines 19-20). The product suppliers can limit their interactions to a selected subset of the other product suppliers, or can conceal their identities or their customers' identities from a selected subset of the other product suppliers (§ [0046]-[0048], page 17 line 1 to page 18 line 13).

The method of Claim 34 includes: (i) automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database (§ [0039], page 12 line 31 to page 13 line 5); (ii) automatically receiving order information from the multiple participating product suppliers and entering the information into an order database (§ [0039], page 13 lines 5-11); (iii) automatically searching for ordered products in the supplier database (§ [0039], page 13 lines 11-14); (iv) automatically transmitting fulfillment instructions for delivering ordered and located products (§ [0039], page 13 lines 14-17); (v) automatically updating the supplier and order databases (§ [0039], page 13 lines 17-19); and (vi) automatically creating and transmitting accounting records for ordered and delivered products (§ [0039], page 13 lines 19-20). At least some of the product orders from multiple suppliers are aggregated in real time for fulfillment (§ [0045], page 16 lines 5-31).

The method of Claim 41 includes: (i) automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database (§ [0039], page 12 line 31 to page 13 line 5); (ii) automatically receiving order information from the multiple participating product suppliers and entering the information into an order database (§ [0039], page 13 lines 5-11); (iii) automatically searching for ordered products in the supplier database (§ [0039], page 13 lines 11-14); (iv) automatically transmitting fulfillment instructions for delivering ordered and located products (§ [0039], page 13 lines 14-17); (v) automatically updating the supplier and order databases (§ [0039], page 13 lines 17-19); and (vi) automatically creating and transmitting accounting records for ordered and delivered products (§ [0039], page 13 lines 19-20). Local

product inventory can be monitored and updated in real time (¶ [0049], page 18 lines 23-31).

## **6. Grounds for rejection to be reviewed on appeal**

Claims 23-44 stand rejected under 35 USC §103(a) as being unpatentable over Sharp et al. (US 6,263,317).

It is generally asserted in the Office Action that Sharp et al. disclose a multiply integrated method of product inventory, sales, and distribution that includes many of the steps and limitations recited in Claims 23-44. It is further asserted in the Office Action that

Any further details recited by the claims would all be considered either inherent in the described combination, or else self-evident or well known, hence obvious, to one of ordinary skill in the art, such that it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have made any necessary modifications, merely as a matter of design choice, since so doing could be performed by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Applicant respectfully traverses several of these assertions, or conclusions based thereon, on the grounds set forth in detail hereinbelow.

## **7. Arguments**

Claims 23, 24, and 27 stand or fall together on appeal; Claims 25 and 26 stand or fall together on appeal; Claims 28, 31, and 32 stand or fall together on appeal; Claims 29, 30, and 33 stand or fall together on appeal; Claims 34-40 stand or fall together on appeal; and Claims 41-44 stand or fall together on appeal. Each of these groups is considered by the Applicants to be patentable separately from the others.

***Claims 23, 24, and 27***

It is asserted in the Office Action that

Sharp et al. disclose a multiply-integrated method of product inventory, sales, and distribution, comprising: a programmed computer processor receiving product identifying information, pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database, wherein the multiple suppliers may include any of manufacturers, distributors, and retailers, and the suppliers offer products of a common category, receiving order information and storing it in a database, wherein the orders may be placed by multiple purchasers, wherein the multiple purchasers may include any of manufacturers, distributors, retailers, and retail purchasers, attempting to locate an available product for each ordered product, issuing instructions for delivery for each ordered product, updating inventory information, and creating a financial accounting record for each order ...

and that

... the method of Sharp et al. does not explicitly disclose maintaining an order history by keeping a database of orders that have been fulfilled. However, maintaining an order history by keeping a database of orders that have been fulfilled is a well know, hence obvious, step to follow in an electronic commerce system, and official notice is hereby taken. See MPEP 2144.03.

It is further asserted in the Office Action that

Sharp et al. define "distributor" so as "to include distributors of a product at all levels in the distribution claim [sic], including retailers" (column 3 lines 29-32) thus based on that

definition and Figure 1, would inherently include the recited relationships and ordering relationships (i.e., both horizontal and vertical relationships).

The disclosure of Sharp et al. is directed solely to a method in which only a single entity (i.e., the website owner) receives online orders from multiple purchasers. The system of Sharp et al. is then employed to select from among multiple possible candidates for fulfilling the corresponding orders or portions thereof. These candidates are generically referred to as "distributors" by Sharp et al. It is asserted in the Office Action that since any of the "distributors" can fulfill an order, that the "horizontal" interactions of the instant application are disclosed. However, the method of the instant application includes receipt of orders by multiple entities (i.e. the product suppliers, which can include manufacturers, distributors, or retailers) from multiple purchasers. The received orders or portions thereof are then allocated among the multiple suppliers according to suitable criteria for fulfillment. The "horizontal" interactions described in the instant application include order receipt as well as order fulfillment by differing entities at the same level in the distribution chains (e.g., an order received by one retailer is fulfilled by another retailer). There is no disclosure by Sharp et al. that multiple entities accept orders that are then allocated among multiple suppliers and include horizontal interactions among suppliers. The fact that the entities might be capable of receiving such orders and perform such fulfillment is not sufficient to establish *prima facie* obviousness (MPEP 2143.01).

The allocation of orders for fulfillment is enabled by a common supplier database "including product identifying information, product inventory information, and product pricing information for the multiple independent participating product suppliers". Attention is directed to the definition of "multiple independent product suppliers" provided at ¶ [0037] of the specification. No such common database is disclosed by Sharp et al. The assertion in the Office Action that such a common database is disclosed at column 5 lines 35-43 of Sharp et al. is simply erroneous. The cited passage describes serial querying of multiple separate supplier databases until the product is found. The common database of the instant application is intended to avoid the need for just such a procedure. Therefore, the supplier database of Claims 23, 24,

and 27 is not disclosed by Sharp et al., which therefore cannot establish *prima facie* obviousness (MPEP 2143.03).

Claims 23, 24, and 27 further recite that

at least a portion of the delivery instructions for order fulfillment are transmitted to one participating product retailer in response to an order placed with another of the participating product retailers; or  
at least a portion of the delivery instructions for order fulfillment are transmitted to one participating product distributor in response to an order placed with or delivery instructions received by another of the participating product distributors.

Neither of these fulfillment scenarios is disclosed or suggested by Sharp et al. Modification of the teachings of Sharp et al. to meet this limitation would change its operating principles, since only a single order-taking entity is disclosed by Sharp et al. (i.e., the website owner), and the retailer-to-retailer or distributor-to-distributor fulfillment recited in the claims do not fit into a single-order-taker scenario disclosed by Sharp et al. Therefore, Sharp et al. cannot establish *prima facie* obviousness (MPEP 2143.01). Further, these limitations provide a "new and useful" result that is the very criterion for patentability (*In re Wright*, 122 USPQ 522).

Regarding the blanket assertion made in the Office Action that essentially anything recited in the claims but not specifically disclosed by Sharp et al. is well known and therefore obvious, Applicant takes exception. According to MPEP 2144.03, a rejection relying on what is "well known" or "taking official notice" is to be reserved for those facts that are "capable of such instant and unquestionable demonstration as to defy dispute". The Examiner in this case has asserted no such facts (insofar as it is possible to ascertain what facts have been invoked in this way; the blanket assertion quoted above is unclear on that point). Applicant is in the business of providing online commerce software solutions, and is unaware of the "well known facts" asserted by the Examiner. This would seem to indicate that the facts are not capable of "instant and unquestionable demonstration".



Applicant has repeatedly requested, in vain, for either a reference to be cited or for an affidavit to be provided, in accordance with the provisions of 37 CFR §§ 1.104(d)(1) and 1.104(d)(2), respectively, to support rejections based on "well known facts" or "official notice". The Examiner has asserted that no affidavit should be required, since an affidavit under 37 CFR § 1.104(d)(2) pertains only to rejections made "based on facts within the personal knowledge of an employee of the Office" (i.e., facts not necessarily known by anybody else), and no such rejection has been made at any time in the instant application." Applicant respectfully submits that Examiner's interpretation of 37 CFR § 1.104(d)(2) is incorrect: nowhere is it stated or implied that the "facts within the personal knowledge of an employee of the Office" are subject to a requirement for support by an affidavit only if "not ... known by anybody else". On the contrary, an affidavit under 37 CFR § 1.104(d)(2) is required upon request by the Applicant for any facts relied on for a rejection that are not otherwise disclosed in a cited reference. See 37 CFR §§ 1.104(c)(3) and 1.104(d)(2).

Applicant therefore repeats his request, if any rejections are maintained that are based on "well known" facts or facts for which "official notice" is taken, that (1) the specific facts being asserted be explicitly stated, and (2) that these rejections be supported by a suitable reference cited in accordance with 37 CFR § 1.104(d)(1) or by an affidavit in accordance with 37 CFR § 1.104(d)(2).

### ***Claims 25 and 26***

Claims 25 and 26 recite that an order is fulfilled by delivery of the ordered items to the supplier with whom the order was placed, instead of delivery to the purchaser. This delivery option is not disclosed by Sharp et al., and in fact would require that the ordered products be delivered to the website owner, which renders the system of Sharp et al. inoperative. Therefore, Sharp et al. cannot establish *prima facie* obviousness (MPEP 2143.01).

***Claims 28, 31, and 32***

Claims 28, 31, and 32 each recite that an order is received by a retailer and fulfilled by a different retailer. Applicant respectfully submits that such retailer-to-retailer fulfillment is a new and useful result that is therefore patentable (*In re Wright*, 122 USPQ 522), and that it is not disclosed or suggested by Sharp et al. nor is it a "well known" variant of retail commerce.

***Claims 29, 30, and 33***

Claims 29, 30, and 33 recite that each supplier can limit its interactions to a selected subset of the other suppliers, the interactions including fulfilling orders for or having orders fulfilled by another supplier. Applicant respectfully submits that such selective interaction is a new and useful result that is therefore patentable (*In re Wright*, 122 USPQ 522), and that it is not disclosed or suggested by Sharp et al. nor is it a "well known" variant of retail commerce.

***Claims 34-40***

Claims 34-40 recite real-time aggregation of orders placed by multiple purchasers or placed with multiple suppliers. Examiner has merely asserted that this is a well known step to perform in electronic ordering and taken official notice. Applicant traverses the assertion that real-time order aggregation is well known, particularly aggregation of orders placed with multiple suppliers, and respectfully submits that such real-time aggregation is a new and useful result and is therefore patentable (*In re Wright*, 122 USPQ 522).

***Claims 41-44***

Claims 41-44 recite real-time monitoring and redistribution of local inventory among the multiple suppliers. However, such real-time monitoring and redistribution of inventory is nowhere disclosed or suggested by Sharp et al., nor is such redistribution among independent suppliers a well known technique of retail commerce. Applicant respectfully submits that such real-time monitoring and redistribution of inventory among multiple suppliers a new and useful result and is therefore patentable (*In re Wright*, 122 USPQ 522).

***Conclusion***

In view of the above, Applicant respectfully submits that the rejection of Claims 23-44 under 35 USC § 103 is improper, and respectfully requests that the Board reverse the rejection.

Respectfully submitted,

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## 8. Claims appendix

Claims 23-44 are pending, under consideration, and involved in this appeal. Claims 23, 31, 33, 34, and 41 are independent claims. Claims 1-22 drawn to a non-elected invention were previously cancelled without prejudice. The claims are:

### 1-22. (cancelled)

23. **(previously presented)** A method for multiply-integrated product inventory, sales, and distribution, comprising the steps of:
- under control of a programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database, the supplier database being operatively linked to the programmed computer processor and including product identifying information, product inventory information, and product pricing information for the multiple independent participating product suppliers, wherein:
    - the multiple independent participating product suppliers may include any of participating product manufacturers, participating product distributors, and participating product retailers,
    - the multiple independent participating product suppliers include at least one participating product distributor and at least one participating product retailer,
    - the multiple independent participating product suppliers include at least two participating product distributors or at least two participating product retailers, and
    - the multiple independent product suppliers offer products of a common product category;
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving, from multiple participating product suppliers, order information pertaining to orders placed

by multiple product purchasers with the multiple participating product suppliers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically entering the received order information into an order database, the order database being operatively linked to the programmed computer processor and including order information pertaining to

pending orders placed with multiple participating product suppliers by multiple independent product purchasers, wherein the multiple independent product purchasers may include any of participating product manufacturers, participating product distributors, participating product retailers, non-participating product manufacturers, non-participating product distributors, non-participating product retailers, and retail product purchasers, and

fulfilled orders placed with multiple participating product suppliers by multiple product purchasers and fulfilled by the multiple participating product suppliers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically searching, for each order placed by each product purchaser, the supplier database to attempt to locate each ordered product listed in the placed order and available for delivery from a corresponding participating product supplier;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically transmitting instructions for delivery, for each order placed by each product purchaser, of each ordered and located product to the product purchaser from the corresponding participating product supplier, thereby causing fulfillment of the order;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating order information in the order database pertaining to each delivered product;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating the product

inventory information pertaining to each delivered product in the supplier database; and

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically creating and transmitting a financial accounting record for each delivered product,

wherein:

at least a portion of the delivery instructions for order fulfillment are transmitted to one participating product retailer in response to an order placed with another of the participating product retailers; or

at least a portion of the delivery instructions for order fulfillment are transmitted to one participating product distributor in response to an order placed with or delivery instructions received by another of the participating product distributors.

24. **(original)** The method of Claim 23, wherein the multiple independent participating product suppliers may further include product content providers.
25. **(previously presented)** The method of Claim 23, further comprising the step of: under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically transmitting instructions for shipment of a delivered product from a corresponding participating product supplier to the participating product supplier with whom the product purchaser placed the order.
26. **(original)** The method of Claim 25, wherein:  
the corresponding participating product supplier is a participating product retailer;  
and  
the participating product supplier with whom the product purchaser placed the order is a participating product retailer.

27. **(previously presented)** The method of Claim 23, further comprising the step of: under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically transmitting instructions for shipment of a delivered product from a corresponding participating product supplier to the product purchaser.
28. **(original)** The method of Claim 27, wherein:  
the corresponding participating product supplier is a participating product retailer;  
and  
the participating product supplier with whom the product purchaser placed the order is a participating product retailer.
29. **(previously presented)** The method of Claim 23, further comprising:  
under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling a first participating product supplier to select an eligible subset of the multiple participating product suppliers from which ordered products, listed in orders placed with the first participating supplier, may be delivered to a product purchaser; or  
under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling a first participating product supplier to select an eligible subset of products available from another of the multiple participating product supplier from which ordered products, listed in orders placed with the first participating supplier, may be delivered to a product purchaser.
30. **(previously presented)** The method of Claim 23, further comprising:  
under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling a first participating product supplier to select an eligible subset of the multiple participating product suppliers for which ordered products, listed in orders placed with the eligible subset of the multiple participating product suppliers, are available for delivery to a product purchaser; or

under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling a first participating product supplier to select an eligible subset of products available from the first participating product supplier from which ordered products, listed in orders placed with another of the multiple participating product suppliers, are available for delivery to a product purchaser.

31. **(previously presented)** A method for multiply-integrated product inventory, sales, and distribution, comprising the steps of:

under control of a programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product retailers and entering the information into a retailer database, the retailer database being operatively linked to the programmed computer processor and including product identifying information, product inventory information, and product pricing information for the multiple independent participating product retailers, wherein the multiple independent product retailers offer products of a common product category;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving, from multiple participating product retailers, order information pertaining to orders placed by multiple product purchasers with the multiple participating product retailers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically entering the received order information into an order database, the order database being operatively linked to the programmed computer processor and including order information pertaining to

pending orders placed with multiple participating product retailers by multiple independent product purchasers, wherein the multiple independent product purchasers may include any of participating product manufacturers, participating product distributors, participating product



retailers, non-participating product manufacturers, non-participating product distributors, non-participating product retailers, and retail product purchasers, and

fulfilled orders placed with multiple participating product retailers by multiple product purchasers and fulfilled by the multiple participating product retailers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically searching, for each order placed by each product purchaser, the retailer database to attempt to locate each ordered product listed in the placed order and available for delivery from a corresponding participating product retailer;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically transmitting instructions for delivery, for each order placed by each product purchaser, of each ordered and located product to the product purchaser from the corresponding participating product supplier, thereby causing fulfillment of the order, wherein at least a portion of the delivery instructions for order fulfillment are transmitted to one participating product retailer in response to an order placed with another of the participating product retailers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating order information in the order database pertaining to each delivered product;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating the product inventory information pertaining to each delivered product in the retailer database; and

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically creating a financial accounting record for each delivered product.

32. **(previously presented)** The method of Claim 23, wherein the product inventory information is stored in the supplier database in a search table common to the multiple participating product suppliers.

33. **(previously presented)** A method for multiply-integrated product inventory, sales, and distribution, comprising the steps of:

- under control of a programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database, the supplier database being operatively linked to the programmed computer processor and including product identifying information, product inventory information, and product pricing information for the multiple independent participating product suppliers, wherein:
  - the multiple independent participating product suppliers may include any of participating product manufacturers, participating product distributors, and participating product retailers, and
  - the multiple independent product suppliers offer products of a common product category;
- under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving, from multiple participating product suppliers, order information pertaining to orders placed by multiple product purchasers with the multiple participating product suppliers;
- under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically entering the received order information into an order database, the order database being operatively linked to the programmed computer processor and including order information pertaining to
  - pending orders placed with multiple participating product suppliers by multiple independent product purchasers, wherein the multiple independent

product purchasers may include any of participating product manufacturers, participating product distributors, participating product retailers, non-participating product manufacturers, non-participating product distributors, non-participating product retailers, and retail product purchasers, and

fulfilled orders placed with multiple participating product suppliers by multiple product purchasers and fulfilled by the multiple participating product suppliers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically searching, for each order placed by each product purchaser, the supplier database to attempt to locate each ordered product listed in the placed order and available for delivery from a corresponding participating product supplier;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically transmitting instructions for delivery, for each order placed by each product purchaser, of each ordered and located product to the product purchaser from the corresponding participating product supplier, thereby fulfilling the order;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating order information in the order database pertaining to each delivered product;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating the product inventory information pertaining to each delivered product in the supplier database; and

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically creating a financial accounting record for each delivered product,

further comprising:

under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling a first participating product supplier to conceal its identity from a selected subset of the multiple

participating product suppliers for which ordered products, listed in orders placed with the eligible subset of the multiple participating product suppliers, are available for delivery from the first participating product supplier to a product purchaser;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling the first participating product supplier to conceal its identity from a selected subset of the multiple participating product suppliers from which ordered products, listed in orders placed with the first participating supplier, may be delivered to a product purchaser; or

under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling the first participating product supplier to conceal the identity of a product purchaser from another participating product supplier from which an ordered product, listed in an order placed with the first participating provider by the product purchaser, is delivered to the product purchaser.

34. **(previously presented)** A method for multiply-integrated product inventory, sales, and distribution, comprising the steps of:

under control of a programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database, the supplier database being operatively linked to the programmed computer processor and including product identifying information, product inventory information, and product pricing information for the multiple independent participating product suppliers, wherein:

the multiple independent participating product suppliers may include any of participating product manufacturers, participating product distributors, and participating product retailers, and

the multiple independent product suppliers offer products of a common product category;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving, from multiple participating product suppliers, order information pertaining to orders placed by multiple product purchasers with the multiple participating product suppliers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically entering the received order information into an order database, the order database being operatively linked to the programmed computer processor and including order information pertaining to

pending orders placed with multiple participating product suppliers by multiple independent product purchasers, wherein the multiple independent product purchasers may include any of participating product manufacturers, participating product distributors, participating product retailers, non-participating product manufacturers, non-participating product distributors, non-participating product retailers, and retail product purchasers, and

fulfilled orders placed with multiple participating product suppliers by multiple product purchasers and fulfilled by the multiple participating product suppliers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically searching, for each order placed by each product purchaser, the supplier database to attempt to locate each ordered product listed in the placed order and available for delivery from a corresponding participating product supplier;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically transmitting instructions for delivery, for each order placed by each product purchaser, of each ordered and located product to the product purchaser from the corresponding participating product supplier, thereby fulfilling the order;

- under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating order information in the order database pertaining to each delivered product;
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating the product inventory information pertaining to each delivered product in the supplier database;
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically creating a financial accounting record for each delivered product;
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically aggregating in real time order information pertaining to multiple orders placed by multiple product purchasers; and
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically transmitting instructions for delivery of ordered products, listed in the aggregated order, from a selected participating product supplier, the selected participating product supplier being selected based on a supplier figure-of-merit.
35. **(previously presented)** The method of Claim 34, further comprising:
- under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically selecting the selected participating product supplier based on information in the supplier database; or
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving bids in real time from at least one participating product supplier and automatically selecting in real time from among bidding participating product suppliers the selected participating product supplier.

36. **(previously presented)** The method of Claim 35, further comprising the step of: under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically selecting in real time a newly-selected participating product supplier to replace the selected participating product supplier based on updated information in the supplier database or updated bids received from the bidding participating product suppliers.
37. **(previously presented)** The method of Claim 34, further comprising the step of: under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically aggregating in real time order information pertaining to multiple orders placed in a physical location of a participating product supplier and placed remotely with the participating product supplier.
38. **(previously presented)** The method of Claim 34, further comprising the step of: under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically aggregating in real time order information pertaining to orders placed with multiple participating product suppliers.
39. **(previously presented)** The method of Claim 38, further comprising the step of: under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically aggregating in real time order information pertaining to orders placed with multiple participating product retailers.
40. **(previously presented)** The method of Claim 38, further comprising the step of: under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling a first participating product supplier to select an eligible subset of the multiple participating product suppliers for aggregating order information.

41. **(previously presented)** A method for multiply-integrated product inventory, sales, and distribution, comprising the steps of:

under control of a programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving product identifying information, product pricing information, and product inventory information from multiple participating product suppliers and entering the information into a supplier database, the supplier database being operatively linked to the programmed computer processor and including product identifying information, product inventory information, and product pricing information for the multiple independent participating product suppliers, wherein:

the multiple independent participating product suppliers may include any of participating product manufacturers, participating product distributors, and participating product retailers, and

the multiple independent product suppliers offer products of a common product category;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically receiving, from multiple participating product suppliers, order information pertaining to orders placed by multiple product purchasers with the multiple participating product suppliers;

under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically entering the received order information into an order database, the order database being operatively linked to the programmed computer processor and including order information pertaining to

pending orders placed with multiple participating product suppliers by multiple independent product purchasers, wherein the multiple independent product purchasers may include any of participating product manufacturers, participating product distributors, participating product retailers, non-participating product manufacturers, non-participating



- product distributors, non-participating product retailers, and retail product purchasers, and
  - fulfilled orders placed with multiple participating product suppliers by multiple product purchasers and fulfilled by the multiple participating product suppliers;
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically searching, for each order placed by each product purchaser, the supplier database to attempt to locate each ordered product listed in the placed order and available for delivery from a corresponding participating product supplier;
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically transmitting instructions for delivery, for each order placed by each product purchaser, of each ordered and located product to the product purchaser from the corresponding participating product supplier, thereby fulfilling the order;
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating order information in the order database pertaining to each delivered product;
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically updating the product inventory information pertaining to each delivered product in the supplier database; and
  - under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically creating a financial accounting record for each delivered product,
- further comprising:
- under control of the programmed computer processor, the programmed computer processor being programmed therefor, automatically adjusting local product inventory for the multiple participating product suppliers by automatically monitoring in real time local product inventory information in the supplier database,

in response to local product inventory information in the supplier database, automatically transmitting instructions for transfer of products out of local product inventory of a first participating product retailer into local product inventory of a second participating product retailer, and in response to the transfer of local product inventory, automatically updating the local product inventory information in the supplier database.

42. **(previously presented)** The method of Claim 41, wherein the transferred local product inventory includes used product, rare product, collectible product, private-label product, or out-of-production product.
43. **(previously presented)** The method of Claim 42, further comprising:  
under control of the programmed computer processor, the programmed computer processor being programmed therefor, consigning to the second participating product retailer transferred used product, rare product, collectible product, private-label product, or out-of-production product
44. **(previously presented)** The method of Claim 41, further comprising:  
under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling the first participating product retailer to select an eligible subset of the multiple participating product retailers to which product inventory may be transferred; or  
under control of the programmed computer processor, the programmed computer processor being programmed therefor, enabling the second participating product retailer to select an eligible subset of the multiple participating product retailers from which product inventory may be transferred.

**9. Evidence appendix**

There is no evidence.

**10. Related proceedings appendix**

There is no related proceeding.